

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 1:18-cr-30
	:	
Plaintiff,	:	Magistrate Judge J. Gregory Wehrman
	:	
v.	:	<b>RECOMMENDATION OF</b>
	:	<b>ACCEPTANCE OF GUILTY PLEA</b>
OHIO ALUMINUM CHEMICAL, LLC,	:	
	:	
Defendant.	:	
	:	

On referral, the Court conducted a arraignment of Defendant Ohio Aluminum Chemical, LLC. On May 30, 2018, Defendant appeared with counsel before the undersigned for proceedings pursuant to Federal Criminal Rule 11.

As established and detailed on the record:

1. After the Court informed Defendant of its right to arraignment in the presence of a United States District Judge, Defendant—through its authorized representative, Vice President Richard Rosen—consented to arraignment before a United States Magistrate Judge. Defendant, through counsel, further consented to the Magistrate Judge conducting the Rule 11 hearing and making a recommendation concerning plea acceptance. The consent was knowing, voluntary, and intelligent and occurred with counsel's advice. The United States also consented.
2. The Court placed Defendant's authorized representative, Richard Rosen, under oath and performed the full colloquy as required by Rule 11. As set forth in the record, after the colloquy, the Court found Defendant's representative competent to plead. Additionally, after advising Defendant's representative of all applicable rights and ensuring awareness of the nature of and all potential maximum penalties applicable to

the charge at issue, as well as the sentencing process, the Court further found that Defendant pled guilty in a knowing, voluntary, and intelligent fashion.

3. An adequate factual basis supporting the plea as to each essential offense element for the applicable charge was presented. The Court covered all areas and confirmed Defendant's understanding of all matters required by Rule 11, the criminal rules, and the United States Constitution.
4. Based on the Court's findings, the Court **RECOMMENDS** that the presiding District Judge **ACCEPT** the guilty plea of Ohio Aluminum Chemical, LLC and adjudge it guilty of Count 1 of the Information as charged. The Defendant has waived Indictment (doc. 8).
5. A plea agreement has been filed in this case (doc. 2), and the Court informed the parties that the District Judge would defer acceptance of the Plea Agreement pending consideration as part of the final sentencing, to be scheduled by the District Judge.

### **Right to Object**

Defendant has the right to object to this Recommendation and to secure de novo review from the District Judge as to any matter to which it specifically objects and seeks review. Given the need for prompt case disposition and the requirements of the Speedy Trial Act, the Court finds that good cause exists pursuant to Rule 59(b)(2) to modify the standard objections period. Therefore, within **THREE** days after being served with a copy of this decision, a party may serve and file specific written objections to any or all findings or recommendations for determination, de novo, by the District Court. Failure to make timely objection, in the manner

described, may result in waiver of further appeal to or review by the District Court and Court of Appeals with respect to the particular decision at issue. *See Thomas v. Arn*, 474 U.S. 140 (1985).

Signed this 1<sup>st</sup> of June, 2018.

s/ J. Gregory Wehrman  
J. Gregory Wehrman  
United States Magistrate Judge